



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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thru
Friday
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**PLANNING BOARD
MINUTES
DECEMBER 10, 2009
(Approved as written 12/17/09)**

PRESENT: Craig Francisco, Chairman; Frank Bolton, Vice Chairman; George Malette, Secretary; Tom Clow, Exofficio; Dani-Jean Stuart, Alternate; Naomi L. Bolton, Land Use Coordinator; Neal Kurk (arrived at 9:30 PM)

GUESTS: Chip Meany, CEO; Jon Dowst, CIP Subcommittee Chairman

I. CALL TO ORDER:

Chairman Francisco opened this hearing at 7:05 PM at the Weare Town Office Building.

II. WORK SESSION:

DISCUSSION ON SOURCE WATER PROTECTION PLAN: Naomi informed the board that for the past several months, the Southern NH Planning Commission (SNHPC) has been working with a Source Water Protection Plan (SWPP) Subcommittee and the NH Department of Environmental Services (NHDES) to develop a Source Water Protection Plan. This plan is funded by a grant through NHDES. This plan will be used as a guide towards protecting drinking water sources within Weare. Included and studied in the plan are all the Town's public wellheads and their surrounding NHDES identified wellhead protection areas. One of the main goals of the plan is to develop an amendment to the Town's existing Aquifer Protection (Article 29) ordinance. The new amendments to the ordinance will modify Article 29 to include all the public wellheads and wellhead protection areas as identified in the plan. The amendments have been modeled after the NHDES Model Groundwater Protection ordinance and proposes protective standards for the Town's stratified drift aquifers and wellhead protection areas that surround public water supplies serving Weare. The Subcommittee met with SNHPC on November 23, 2009 and went through the proposed amendments. There were some revisions going too made and there were some discussions around certain proposed changes. The Planning Board needs to look at the amendments to see if they want to put the proposed changes on the ballot. Chairman Francisco stated that he has some concerns and doesn't feel that we should rush and put it on the ballot at this time. He would like to work with SNHPC on this throughout the upcoming year and then have it ready for March of 2011. Naomi will be contacting SNHPC with the board's decision.

2010 CIP PRESENTATION WITH CIP SUBCOMMITTEE: Jon Dowst, Chairman of the CIP Subcommittee was present to go over the 2010 requests from all the department heads. The following is the detailed presentation that was made.

Cemeteries: \$ 25,000 – being recommended
This is a request for \$25,000 for work to be done to the Dow-Peaslee Cemetery to rebuild the stone walls that are falling into Route 77. This year the original request was for \$51,500 to repair the stone walls along Route 77. The State of NH has contacted the Cemetery Trustees expressing their concern about the possible potential of the wall coming down onto Route 77. The existing fund has approximately \$30,000 in it. Oil Mill Cemetery is still in need of work as well. The cost for the work at the Oil Mill Cemetery is \$28,000. Some of the drainage issues there have been minimized, but not completely fixed. The subcommittee looked at two different plans. The first was to ask for the \$51,500 to be added to the \$30,000 and that would give them funding to fix both cemeteries. The second was to add \$25,000 to the existing \$30,000 and fix the Dow-Peaslee cemetery this year. The consensus of the subcommittee was to go with the second option for this year and hold on the Oil Mill Cemetery for another year.

Fire & Rescue:
Fire & Rescue Vehicle Fund \$ 400,000 – Not being recommended
Fire Equipment Fund \$ 20,000 – being recommended
Fire Station Study \$ 10,000 – Not being recommended

Fire & Rescue Vehicle Fund: This is a request for \$400,000 to replace the existing Engine 2, which is a 1979 truck. The subcommittee met with the Fire Department twice to allow them to sell the immediate need for this vehicle. The information that was provided was that Engine 2 is over 30 years old, it has some rust, it has 48,000 miles on it and it has an oil leak. The subcommittee then inquired to the amount of usage this vehicle and the nature of the oil leak (major or minor). This Engine 2 has been used on 5 occasions this year. The oil leak was looked at by Carl and the Highway Department mechanic and it is their evaluation that there is a small oil leak by the blow by pipe that they feel is a gasket that can be repaired. After some discussion the subcommittee felt that at this time they would not recommend this request this year. Another vehicle that is requested for replacement is the ambulance. The existing ambulance lease payment is going to be completed in 2010. A purchase of another ambulance will continue the lease payments. The payments are made out of the Special Revenue fund that is where the ambulance billing is placed. The subcommittee recommends the purchase of an ambulance.

Fire Equipment Fund: This is a request for \$20,000 to purchase a new defibulator to replace the oldest one. The subcommittee felt this request was warranted.

Fire Station Study: This is a request for \$10,000 to study the proposed station renovation or possible new construction of the South Weare Fire Station. This is the same request that has been submitted last year. The subcommittee at this time felt the study was not necessary until we have the ability to do a study on all of the Town facilities and put together a plan.

Public Works Department

Transfer Station Equip. Fund	\$ 10,000 – being recommended
Hwy Truck & Equip. Fund	\$ 145,000 – being recommended
Trans. Station-Used Tub Grinder	\$ 60,000 – being recommended

Transfer Station Equipment Fund: This is a request for \$10,000 to purchase a used trailer for the transfer station. Currently there is a 50 yard box that would be replaced by a 100 year trailer cutting the hauling costs in half.

Hwy Truck & Equipment Fund: This is a request for \$145,000 to cover three requests. The first is for \$70,000 the 1994 Ford. The second is for \$35,000 to replace the 2001 pickup. The original request was \$45,000 but the subcommittee felt that a pickup could be replaced with \$35,000. The third was \$40,000 to outfit the Oshkosh truck that the Town purchased during the summer from the State of NH.

Transfer Station Equipment – Used Tub Grinder: This item is being requested again this year as it was last year and failed. The request is for \$60,000. This is due largely to some new legislation and it appears that the Town will no longer be able to burn necessitating something for the brush, pallets and clean wood. There was some discussion from Carl that we may be able to work with a couple of neighboring Towns which could help to offset some of the costs as well as revenues. The board is recommending this be put on the warrant but as a separate article as it is a new piece of equipment to the existing fleet.

Road Reconstruction: This is a request for \$400,000. Each year this is a request that goes on the ballot as a separate article and has gained support each year. Carl submitted information as he was asked to so that it could be included in the plan. The amount to be raised by taxation will not be finalized until a letter is received from the State, which when contacted they indicated it would be sometime near late December.

New Highway Garage: The CIP subcommittee was not presented with this request this year, therefore there is no recommendation.

Parks & Recreation Commission:

Recreation Dev & Imp. Fund	\$ 15,000
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There were two requests received this year, one for \$5,000 and one for \$30,000 but both would come from the existing fund. The first one for \$5,000 was to have

money to cover unexpected repairs to the ball fields or related facilities. The subcommittee felt this request is not a CIP request. The second request for \$30,000 is for upgrade to the roadway into Bolton Field and fencing at Ineson Field to keep traffic off the field, as there was an incident this year. After discussing the upgrade with the Public Works Director as well as the possibility of guardrail installed versus fencing the subcommittee felt that \$15,000 would be enough to cover both the upgrade and the guardrail

Police Department:

Police Cruiser \$ 70,000 – being requested

Police Cruiser Fund: This was originally requested for \$105,000 with the explanation that last years request failed. The plan is to replace the two older cruisers each year on a rotation basis. The purpose of this request is to keep our officers and the public safe. Rotation of cruisers is to remove old cruisers from the fleet is paramount for safety and keeping maintenance costs down. Same goes for replacing some old equipment in the vehicles. Cruisers being replaced could be disseminated to other departments for continued use should the Board of Selectmen so desire. The subcommittee is recommending that we stay with replacing two as originally planned.

Frank Bolton moved to recommend this CIP Plan to the Board of Selectmen for the 2010 Town warrant; George Malette seconded the motion, all in favor.

DISCUSSION ON PROPOSED ZONING AMENDMENTS: Naomi handed around the agenda for December 17, 2009 (the date of the first public hearing for zoning amendments) and the amendments themselves. The following are the amendments to be discussed on December 17th.

Are you in favor of the adoption of [Amendment No. 2](#), as proposed by the Planning Board for the Town Zoning Ordinance as follows: to amend Article 15.1.2 as follows:

All residential subdivisions, condominiums and multi-family housing of 4 dwelling units or greater shall be subject to phasing in accordance with TABLE 1-2 below:

Total Dwellings <i>Units</i>	<i>Maximum Annual</i> Building Permits
4	2 <i>per year</i>
4 to 10 <i>5 to 10</i>	5 <i>3 per year</i>
11 to 18	6 <i>4 per year</i>
19 to 28	7 <i>5 per year</i>
29 to 40	8 <i>6 per year</i>
41 to 54	9 <i>7 per year</i>
55 or more	10 <i>8 per year</i>

TABLE 1-2 FOR RESIDENTIAL DEVELOPMENT PHASING:

The table illustrates the maximum number of available building permits per development per calendar year approved under this article. Surplus permits in any given year shall not be added onto the number of permits available in the following year.

PURPOSE: The purpose of this amendment is to slightly change the current phasing table on any new proposed subdivision to allow the Town to time the developments.

Are you in favor of the adoption of [Amendment No. 3](#), as proposed by the Planning Board for the Town Zoning Ordinance as follows: to amend Article 3.12.1 to further define “active and substantial development” by amending the article as follows:

3.12.1 *For the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations, “active and substantial development and building” means:*

- (1) the construction of one or more subdivision roads or a portion thereof approved by the Planning Board, on a subdivision plan, including any required pavement sufficient to cause eligibility for certificates of occupancy for structures on abutting lots; the completion of drainage improvements, including erosion control measures, in accordance with the approved plans; and*
- (2) the continued compliance with the public health regulations and ordinances of the Town*

~~3.12.1 In approving any application, the Planning Board shall specify the threshold level of work which constitutes “active and substantial development and building” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations for a period of four (4) years. (Added 3/11/08)~~

PURPOSE: The purpose of this amendment is to set a standard in the ordinance so that applicants are aware of the requirements for vesting and so that all applicants are treated equitably and equally.

Are you in favor of the adoption of [Amendment No. 4](#), as proposed by the Planning Board for the Town Zoning Ordinance as follows: to amend Article 27.3.7 as follows:

- 27.3.7 All parking within the cluster development shall be provided in ~~paved~~ off-street locations at a ratio of not less than two (2) spaces per dwelling unit

PURPOSE: The purpose of this amendment is to remove the mandatory paved off-street parking in cluster developments and allow the homeowner to have an unpaved parking area if they so choose.

The board discussed Amendment No. 2 for a while but nothing was changed at this work session.

III. OTHER BUSINESS:

ROAD BOND REDUCTION – BURTON BROWN, ORCHARD PATH: Naomi informed the board that the Town is still holding a bond for \$17,000 to be used for the upgrade of Orchard Path Road. Mr. Brown did a lot line adjustment with the neighbor so that he didn't have to extend Orchard Path. The lot line adjustment was approved and recorded at the registry. The deed between Mr. Brown and his neighbor has been recorded, now the bond can be released back to Mr. Brown. Tom Clow made a motion to release the bond for \$17,000 plus any interest if applicable, that is being held for the upgrade of Orchard Path to Burton & Janet Brown; Frank Bolton seconded the motion, all in favor.

ROAD BOND REDUCTION – CHRIS BOLTON, EASTMAN WAY: Naomi explained to the board that the Town has a maintenance bond for Eastman Way and the two year maintenance period was up on November 26, 2009, therefore should be released back to Chris Bolton. Chairman Francisco made a motion to release the warranty bond for \$52,950 plus interest if applicable, that is being held for Eastman Way to Chris Bolton; George Malette seconded the motion, all in favor.

CONSERVATION COMMISSION MEETING: Frank Bolton stated that he was invited to attend the last Conservation Commission meeting regarding any proposed amendment changed the Conservation Easement Subcommittee was going to be proposing for the 2010 ballot. Mr. Bolton stated that at this time they are going to wait and meet with Town Counsel and he would like to have the Conservation Commission be invited on this work session. In looking at the calendar the board felt that February would be a good time to invite Attorney Drescher. Chairman Francisco will contact Attorney Drescher with the February time and date. The Board felt that in order to get the best use of Attorney Drescher's time, the board and/or subcommittee should create a list of questions that they would like answered, send them to Attorney Drescher so that the work session will focus on the useful questions. Chairman Francisco will make the contact to arrange the meeting.

EMAIL FROM STEVE NAJJAR REGARDING THE HOOKER FARM: Frank Bolton stated that he has been included on some emails that have been going

around from Terry Knowles, Steve Najjar and others. The emails are discussing using \$50,000 from the Mildred Hall Trust Fund to purchase this easement. There seems to be some concerns with this because when the subdivision was presented the funding sounded like it was in place with the Farm and Ranch program. Evidently that did not come through in its entirety and the Pope's, who own the property are looking at other sources to make up the shortfall. The concern is that the subdivision was approved based on one set of circumstances and now the Town is being asked for about \$70,000 to be an easement holder. The easement is currently being proposed without public access, which has again created some issues, because why would we spend Town money and not be able to have access.

IV. ADJOURNMENT:

As there was no further business to come before the board, Dani-Jean Stuart moved to adjourn at 9:40 PM; George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator